

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA**

SKYLARA B. CHERRY,)
)
Plaintiff,)
v.) No. CIV-24-669-R
)
FAMILY DOLLAR STORES OF)
OKLAHOMA, LLC, and BRANDON)
KIRK,)
)
Defendants.)

ORDER

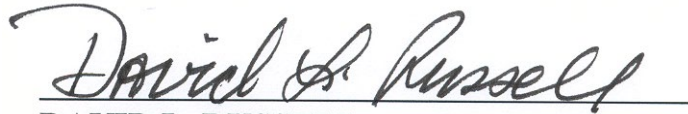
Before the Court is Plaintiff Skylara B. Cherry's Motion for Default Judgment [Doc. No. 24]. Plaintiff seeks default judgment against Defendant Brandon Kirk. Defendant Kirk was served on December 16, 2024 [Doc. No. 18], but to date has not responded to the Complaint. Plaintiff moved for a clerk's entry of default [Doc. No. 22], which the Clerk's Office entered [Doc. No. 23]. Plaintiff then filed the instant Motion.

“Generally, ‘when a default is entered against one defendant in a multi-defendant case, the preferred practice is for the court to withhold granting a default judgment until the trial of the action on the merits against the remaining defendants.’” *Falcon Ins. Co., LLC v. Tidwell*, No. CIV-21-56-D. 2021 WL 4901710, at *1 (W.D. Okla. Sep. 16, 2021) (quoting *Northland Ins. Co. v. Cailu Title Corp.*, 204 F.R.D. 327, 330 (W.D. Mich. 2000)). And Defendant Family Dollar Stores of Oklahoma, LLC has answered Plaintiff’s Complaint [Doc. No. 9], and is actively participating in the litigation [Doc. No. 29]. So the Court, in its discretion, finds that granting Plaintiff’s Motion at this time would be premature. *See Parks v. Taylor*, No. CIV-19-1137-D, 2021 WL 12166666, at *1 (W.D.

Okla. Sep. 10, 2021) (citing *Olcott v. Delaware Flood Co.*, 327 F.3d 1115, 1124 (10th Cir. 2003) (“Decisions to enter judgment by default are committed to the district court’s sound discretion[.]”)).

Accordingly, Plaintiff’s Motion is DENIED without prejudice to refiling.

IT IS SO ORDERED this 11th day of July, 2025.



DAVID L. RUSSELL
UNITED STATES DISTRICT JUDGE